

# **CCPIT PATENT AND TRADEMARK LAW OFFICE**

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JUL 31 2003  
GROUP 1700

June 03, 2003

FAX No.: 0081332140929

Y/R: CFO 15758 CN (SU/KK/NA)  
O/R: IIM012075  
Re: Chinese Application for Invention No. 01132643.3  
in the name of CANON KABUSHIKI KAISHA  
Title: RECORDING MEDIUM, IMAGE-FORMING METHOD USING THE  
SAME AND METHOD OF MANUFACTURING SUCH RECORDING  
MEDIUM

Dear Sirs:

This is to report to you that we have received a notification of the first office action issued by the Chinese Patent Office on April 25, 2003 in connection with the above-identified patent application. Enclosed please find a copy of the Office Action, and the English translation thereof is now given below.

## ***English Translation of the Office Action***

*Upon the request submitted by the applicant, examination as to substance has been carried out on the present application under Art. 35(1) of the Chinese Patent Law.*

*The applicant has claimed priority based on the application filed in Japan on September 7, 2000, and the applicant has furnished the priority document.*

*The examination has been carried out on the application as originally filed.*

*CN1273182A ( D1 ) is cited as reference in the examination ( The priority documents of D1 are JP118038/1999 and JP331868/1999 ).*

*The present application relates to a recording medium, image-forming method using the same and method of manufacturing such recording medium. The examiner now makes the following comments.*

*Claim 1 has no novelty as required by Art. 22(2) of the Chinese Patent Law. The technical solution of claim 1 differs from that of D1 ( please see the abstract and the description, lines 7-9, page 18 and lines 6-8, page 20 of D1 ) only in literal expression, and they are actually identical with each other and moreover, they belong to the same technical field and have the same technical results. Therefore, the technical solution of claim 1 has no novelty.*

*Similarly, claim 13 has no novelty as required by Art. 22(2) of the Chinese Patent Law.*

The technical solution of claim 13 differs from that of D1 ( please see the abstract and the description, lines 7-9, page 18 and lines 6-8, page 20 of D1 ) only in literal expression, and they are actually identical with each other and moreover, they belong to the same technical field and have the same technical results. Therefore, the technical solution of claim 13 has no novelty.

Since D1 is a patent application filed with the Chinese Patent Office. Its filing date is April 26, 2000; it was published on November 15, 2000 and its applicant is one other than the applicant of the present application. Therefore, D1 constitutes " a conflicting application " against the present application and damages the novelty of the present application.

On condition that claims 1 and 13 cannot be allowed for lack of novelty, independent claim 11 ( and its dependent claims ) no longer possesses unity as required by Art. 31(1) of the Chinese Patent Law ( **An application for a patent for invention or utility model shall be limited to one invention or utility model. Two or more inventions or utility models belonging to a single general inventive concept may be filed as one application.** ). If the applicant deletes independent claim 1, he should keep only one of the other independent claims. The applicant may file a divisional application for the deleted claims at any time before the conclusion of the present application.

" BET specific surface area " appearing in claims 6 and 18 is not clear in meaning, and these claims should be amended under Rule 20(1) ( **The claims shall define clearly and concisely the matter for which protection is sought ...** ).

" Stroeckgt sizing degree of said fibrous substrate " appearing in claims 9 and 21 is not clear in meaning, and these claims should be amended under Rule 20(1).

The applicant should, within the specified time limit of 4 months, make a response to each objection raised in this notification and amend the application if necessary. Otherwise, a patent cannot be granted. Please note that any amendment to the application may not go beyond the scope of the disclosure contained in the initial description and claims.

Please note that a response to the Office Action is due on August 25, 2003. Your instructions two weeks before the due date would be highly appreciated.

For your information, the applicant may request an extension of up to two months upon payment of extension fees. No further extension of time is permitted.

If you have any questions connected to this matter, please feel free to let us know.

Sincerely yours,



Zhang Zuchang  
CCPIT Patent and Trademark Law Office

Encl.: 1. Copy of the Notification  
2. Copy of D1

# 中华人民共和国国家知识产权局

邮政编码: 100037

北京市阜成门外大街2号8层  
中国国际贸易促进委员会专利商标事务所  
张祖昌



(无审查业务专用章  
不具备法律效力)

申请号: 01132643.3

部门及通知书类型:

2-D

发文日期:

申请人:

佳能株式会社

发明名称:

记录介质、使用它的成象方法和制造这种记录介质的方法



## 第一次审查意见通知书

1. ☒ 依申请人提出的实审请求, 根据专利法第35条第1款的规定, 审查员对上述发明专利申请进行实质审查。

☐ 根据专利法第35条第2款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以其在:

JP	专利局的申请日	2000年9月7日	为优先权日,
	专利局的申请日		为优先权日,
	专利局的申请日		为优先权日,
	专利局的申请日		为优先权日,
	专利局的申请日		为优先权日,

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☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。

☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第30条的规定视为未提出优先权要求。

3. ☐ 申请人于\_\_\_\_年\_\_月\_\_日和\_\_\_\_年\_\_月\_\_日提交了修改文件。

经审查, 其中: \_\_\_\_年\_\_月\_\_日提交的\_\_\_\_不能被接受; \_\_\_\_年\_\_月\_\_日提交的\_\_\_\_不能被接受;

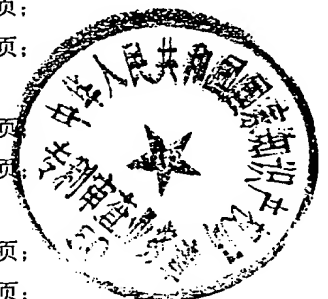
因为上述修改 ☐ 不符合专利法第33条的规定。 ☐ 不符合实施细则第51条的规定。

修改不能被接受的具体理由见通知书正文部分。

4. ☒ 审查是针对原始申请文件进行的。

☐ 审查是针对下述申请文件进行的:

说明书	申请日提交的原始申请文件的第____页;
	____年__月__日提交的第____页; ____年__月__日提交的第____页;
	____年__月__日提交的第____页; ____年__月__日提交的第____页;
权利要求	申请日提交的原始申请文件的第____页;
	____年__月__日提交的第____页; ____年__月__日提交的第____页;
	____年__月__日提交的第____页; ____年__月__日提交的第____页;
附图	申请日提交的原始申请文件的第____页;
	____年__月__日提交的第____页; ____年__月__日提交的第____页;
	____年__月__日提交的第____页; ____年__月__日提交的第____页;
说明书摘要	<input type="checkbox"/> 申请日提交的; <input type="checkbox"/> ____年__月__日提交的;
摘要附图	<input type="checkbox"/> 申请日提交的; <input type="checkbox"/> ____年__月__日提交的。



回函请寄: 100088  
2201 2001.7

北京市海淀区蓟门桥西土城路6号 国家知识产权局专利局受理处收  
(注: 凡寄给审查员个人的信函不具有法律效力)

5. ☐ 本通知书是在未进行检索的情况下作出的。

☒ 本通知书是在进行了检索的情况下作出的。

☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	CN1273182A	2000 年 11 月 15 日
2		年 月 日
3		年 月 日
4		年 月 日

6. 审查的结论性意见:

☐ 关于说明书:

☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。

☐ 说明书不符合专利法第 26 条第 3 款的规定。

☐ 说明书的撰写不符合实施细则第 18 条的规定。

☒ 关于权利要求书:

☒ 权利要求 1、13 不具备专利法第 22 条第 2 款规定的新颖性。

☐ 权利要求 不具备专利法第 22 条第 3 款规定的创造性。

☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。

☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。

☐ 权利要求 不符合专利法第 26 条第 4 款的规定。

☐ 权利要求 不符合专利法第 31 条第 1 款的规定。

☐ 权利要求 不符合实施细则第 2 条第 1 款关于发明的定义。

☐ 权利要求 不符合实施细则第 13 条第 1 款的规定。

☒ 权利要求 5、6、8、9、11、17、18、20、21 不符合实施细则第 20 条至第 23 条的规定。

☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。

☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。

☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

☐

8. 申请人应注意下述事项:

(1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的 肆 个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和/或修改文本应邮寄或递交给国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 3 页, 并附有下列附件:

☒ 引用的对比文件的复印件共 1 份 4 页。

☐